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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/711,777
Filing Date: November 09, 2000
Appellant(s): HAYES ET AL.

Marisa Dubuc
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 17, 2005 appealing from the Office action mailed December 22, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

For convenience, Examiner has provided a copy of the Final Rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-14, 16, 17, 20-23, 26-36, 38-52, 54-61, 63, 64, 67-70 and 73-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Aycock et al. (U.S. 5,765,138).

As per claim 1, Aycock et al. discloses a method for facilitating product development and procurement functions in a communications network environment, comprising:

receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system, said second enterprise system authenticating a user ID and password of a user of said first enterprise system (col. 3, line 62-col. 4, line 2; col. 10, lines 17-42 and 49-67; col. 11, lines 1-9; Figure 2; The system provides suppliers at a first business system via a remote terminal (item 74 in Figure 2) with access to a second main system (item 68 in Figure 2), that has users such as system designers/buyers/procurement people, via a communications network. Suppliers are granted proper access codes to enter the main processing system to view RFP/RFQ's and upload responses to evaluation surveys.);

in response to receiving a request to complete a survey, providing the first enterprise system with access to a survey form stored in a database that is replicated at

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the second enterprise system (col. 3, line 62-col. 4, line 6; col. 10, lines 55-67; col. 11, lines 1-9; col. 12, lines 14-16; Figure 2; The main processing system (second enterprise) receives a request from a supplier (from a first enterprise) to complete a supplier evaluation form. The supplier evaluations are stored in databases at the second enterprise system and the suppliers can download the evaluations to their system (first enterprise).);

receiving response data solicited in the survey form (col. 10, lines 60-62; col. 11, lines 1-9; Figure 3); and

updating a database at the second enterprise system with the response data, the updating including storing the response data in one of a draft mode and a final mode designated by the first enterprise system (col. 11, lines 1-9; col. 11, line 63-col. 12, line 13; col. 13, lines 55-61; Figure 3; Supplier response data received from the first enterprise is stored in databases at the second enterprise. The system allows suppliers to save response data or to edit their response data.);

wherein said second enterprise system includes a development toolkit network tool for executing product development and procurement activities (col. 7, lines 56-59; col. 9, line 3-col. 10, line 67; The main processing system enables users such as purchasing/procurement agents to access and evaluate data on various suppliers and products of different types to meet certain project/product requirements. Additionally, the system allows suppliers and products to be compared as part of the evaluation.).

As per claim 2, Aycock et al. discloses the method of claim 1, further comprising:

in response to receiving a request to view a completed survey, replicating a database associated said second enterprise system resulting from the request to view a completed survey and providing access to said database (col. 12, line 57-col. 13, line 14; Figure 3; In response to a supplier requesting to complete an evaluation, the system uses local and remote databases to access certain data. Data is uploaded from the local database to the remote database.);

displaying a list of surveys, said surveys previously completed by said first enterprise system, retrieving one of said surveys from said database in response to a request to view a selected survey and displaying said selected survey (col. 10, lines 60-67; col. 13, lines 55-61; Suppliers can access evaluations they have completed as well as view evaluation data other suppliers have completed.).

As per claim 3, Aycock et al. discloses the method of claim 1, wherein the receiving a request to complete a survey includes:

receiving a request to select a survey type from a list of survey type options, and associating said survey form with a technical representative of said second enterprise system (col. 9, lines 3-67; Figures 2 and 3; The user can access supplier self-evaluation surveys as well as other vendor and product capability and performance evaluations from their respective databases.).

As per claim 4, Aycock et al. discloses the method of claim 1, further comprising receiving an attached file with response data (col. 12, lines 14-67; col. 13, lines 5-12; Suppliers can attach their RFP/RFQ responses to the survey form).

As per claim 5, Aycock et al. discloses the method of claim 1, wherein said storing said survey form includes storing said survey form in a draft mode at said second enterprise system (col. 13, lines 55-61; Figure 3; The system allows suppliers to save response data or to edit their response data.).

As per claim 7, Aycock et al. discloses the method of claim 1, wherein said storing said survey form in a final mode occurs at said second enterprise system (col. 13, lines 5-12 and 55-61; Once the surveys are deemed complete, they are uploaded to the databases for storage and subsequent user access.).

As per claim 8, Aycock et al. discloses the method of claim 1, wherein said storing said survey form in said final mode includes:

transmitting a notification to a representative of said second enterprise system and making available said survey form to said second enterprise system (col. 11, line 63-col. 12, line 27; Suppliers are notified when an RFP/RFQ is submitted. Surveys are made available to suppliers responding to RFPs/RFQs.).

As per claim 9, Aycock et al. discloses the method of claim 3, further comprising:
receiving a request to access a stored survey form from said database, retrieving said stored survey form from said database, transmitting said stored survey form to said first enterprise system, said first enterprise editing said stored survey form, receiving edits to said stored survey form and storing said survey form in said database (col. 13, lines 49-61; Suppliers access stored surveys to edit them.).

As per claim 10, Aycock et al. discloses the method of claim 9, wherein said editing is in a draft mode (col. 13, lines 49-61).

As per claim 11, Aycock et al. discloses the method claim 9, wherein said transmitting said survey form includes replicating said database to said second enterprise system and designating said survey form as a new entry (col. 14, lines 9-21).

As per claim 12, Aycock et al. discloses the method of claim 9, wherein said storing said survey form includes storing said survey form in a final mode (col. 14, lines 9-21).

As per claim 13, Aycock et al. discloses the method of claim 12, wherein said storing said survey form in said final mode causes a notification to be transmitted to a representative of said second enterprise system (col. 14, lines 9-21; The supplier is prompted as whether to continue with the survey form or to store the survey form.).

As per claim 14, Aycock et al. discloses the method of claim 1, wherein said communications network environment includes an extranet (col. 10, lines 17-23; Figure 2).

As per claim 16, Aycock et al. discloses the method of claim 1, wherein said user is supplier (col. 3, lines 62-64; col. 9, lines 3-21).

As per claims 22 and 23, Aycock et al. discloses the method of claim 17, wherein said entering said data includes rating said supplier survey, and wherein said rating includes providing markings to said survey, said markings designating a preferred status (abstract; col. 2, line 60-col. 3, line 35; col. 6, line 55-col. 7, line 13; Suppliers are scored and weighted.).

As per claims 84 and 85, Aycock et al. discloses a method and storage medium for facilitating product development and procurement functions in a communications network environment, comprising:

receiving product data and technical information from a plurality of supplier entities via a supplier survey database, the supplier survey database replicated for each of the plurality of supplier entities (col. 9, line 59-col. 10, line 16; col. 11, line 51-col. 12, line 13; Users may download supplier data, as well as product data and specification data from remote databases. Downloading data from a database, which is copying the data to a local location, is essentially the same function as replicating the database.);

associating the product data and technology information with a procurement specialist and providing the procurement specialist with access to the product data and technical information for analysis (col. 11, lines 9-50; Procurement specialists evaluate supplier responses and other data along with the RFP/RFQ data in order to determine the appropriateness of a supplier for a project.);

receiving results of the analysis from the procurement specialist, the results including preferred technology recommendations and preferred supplier recommendations (col. 11, lines 9-50; col. 6, line 55-col. 7, line 13; Procurement specialists give the suppliers scores based on their analyses of the suppliers.);

integrating the product development and technical information with the results and with a parts repository resulting in a technical roadmap guide (col. 9, lines 22-64; The supplier evaluation system acts as a technical roadmap guide for procurement

specialists since the system contains supplier evaluations and audit reports that reflect the suppliers' technical and product expertise.); and

providing a development engineer with access to the technical roadmap guide (col. 10, lines 17-38; The system designer/engineer that creates the RFP/RFQ for a project has access to the technical roadmap guide to select a supplier that best fits the RFP/RFQ.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 18, 37, 62, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock et al. (U.S. 5,765,138).

As per claim 15, Aycock et al. does not expressly disclose the method of claim 1, wherein said authenticating said user ID and said password is accomplished via a firewall. However, firewalls are old and well known security schemes for preventing outside and unauthorized access into a network. Additionally, Aycock et al. does disclose providing users with access codes to enter the system (col. 10, lines 55-67). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Aycock et al. to implement a firewall since the system of Aycock et al. already demonstrates security concerns by using access codes to ensure

only authorized users have access to data within the system. A firewall would further enhance the system of Aycock et al.'s security.

As per claim 18, Aycock et al. does not expressly disclose the method of claim 17, wherein said receiving said notification is via an electronic mail. However, the system of Aycock et al. discloses using a communication network for different parties' accessing and submitting of data (abstract). Additionally, electronic mail is an old and well known form of communication via a network. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Aycock et al. to send notifications via email since email is old and well known and provides users with an efficient means of communication.

The limitations of claims 17, 20, 21, 26-52, 54-65, 67-70 and 73-83 are substantially similar to those recited in claims 1-5, 7-16, 18, 22, 23, 84 and 85. As such, claims 17, 20, 21, 26-52, 54-65, 67-70 and 73-83 are rejected based on the same reasoning applied to claims 1-5, 7-16, 18, 22, 23, 84 and 85 above.

(7) *Argument*

In the Appeal Brief, Appellant provides six main arguments:

- 1) that Aycock et al. fails to disclose a survey form;
- 2) that Aycock et al. fails to disclose providing the first enterprise system with access to a survey form stored in a database that is replicated at the second enterprise system;

3) that Aycock et al. is devoid of teaching a specific entity requesting an evaluation form;

4) that Aycock et al. is devoid of teaching storing the response data in one of a draft mode and a final mode;

5) that Aycock et al. does not specifically teach a development toolkit network application; and

6) that Aycock et al. does not teach or suggest a request to select a survey type from a list of survey options.

Examiner notes that Appellant provides several other spurious arguments relating to dependent claims in the Appeal Brief. Since these arguments merely amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references, Examiner has not particularly addressed these arguments, but directs attention to the rejection where she believes the spurious arguments have been sufficiently handled.

In response to argument 1), Examiner respectfully disagrees. A survey form is nothing more than a document soliciting some type of information. Thus, the supplier self-evaluation form disclosed in Aycock et al. may be construed as a survey form as it asks suppliers to answer questions about themselves (see Figure 6 and col. 12, lines 1-6).

In response to arguments 2) and 3), Examiner respectfully disagrees. In col. 3, line 62-col. 4, line 6; col. 10, lines 55-67; col. 11, lines 1-9; col. 11, line 51-col. 12, line 16; and Figure 2, Aycock et al. discloses the main processing system ("second enterprise" in claim 1) receiving a request from a supplier system ("first enterprise" in claim 1), which is an entity, to complete a supplier evaluation form ("survey" in claim 1). The supplier evaluation forms and other relevant data are stored in databases at the main processing system. Suppliers can download the evaluation forms and other relevant data to their databases on their system. Once suppliers complete the evaluation forms, they can upload their responses from their databases back to the main processing system, thus updating the databases at the main processing system so that the data in the main processing system database matches the data in the supplier system database. Database replication is copying a portion of a database from one environment to another and keeping the subsequent copies in sync with the original source. Claim 1's recitation of "a database that is replicated at the second enterprise system," merely implies that the database at the second enterprise is one that has been updated or is in sync with data stored in other databases. Therefore, Aycock et al. meets this recitation in its disclosure of downloading an evaluation form from a database at the main processing system to a database in the supplier system, completing the evaluation form, and then uploading the completed evaluation form from the supplier system database to the main processing system database so that the main processing system is updated and in sync with data from the supplier system database.

In response to argument 4), Examiner respectfully disagrees. In col. 13, lines 55-61; and Figure 5, Aycock et al. discloses that the supplier evaluation system loads any stored supplier response data and prompts suppliers to indicate whether or not to keep the response data, indicating a final mode, or to allow the suppliers to edit their response data, indicating a draft mode, before uploading their response data back to the main processing system. An indication that a document is ready for submission places the document in a "final mode." An indication that a document still needs to be edited places the document in a "draft mode."

In response to argument 5), Examiner respectfully disagrees. In col. 9, line 3-col. 10, line 67; Aycock et al. discloses the main processing system enabling users of a product development or procurement process such as purchasing/procurement agents to access and evaluate data on various suppliers and products to determine whether or not the suppliers or products meet certain project/product requirements. The data the purchasing/procurement agents access is stored in various vendor and product databases, which are part of the supplier evaluation system, which acts as a "development toolkit network tool" as it facilitates the purchasing/procurement agents' process of finding qualified vendors and/or products to hire or purchase.

In response to argument 6), Examiner respectfully disagrees. The type of evaluation form (i.e., survey) that a supplier completes depends on the industry and the type of work involved with the RFP/RFQ (see col. 9, lines 13-20; col. 10, line 55-col. 11,

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line 9); therefore, there are different types of evaluation forms for the RFP/RFQs as the RFP/RFQs have different types of questions to address their various requirements.

Accordingly, suppliers select from different types of evaluation forms depending on the RFP/RFQ they wish to address.

(8) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Evidence Appendix*

Appellant did not supply any evidence in the appeal.

(10) *Related Proceedings Appendix*

Appellant did not supply any copies of decisions rendered by a court or the Board as there are no related appeals.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Catherine Michelle Tarae

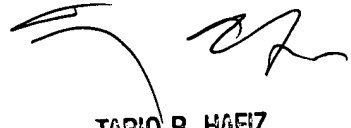

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